

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**JANUARY 14, 2019
NEW ORLEANS, LOUISIANA**

A meeting of the Louisiana State Board of Medical Examiners, pursuant to lawful notice, was convened and called to order at 8:30 a.m., Monday, January 14, 2019, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members present as follows:

Christy Lynn Valentine, M.D., President
Roderick V. Clark, M.D., Vice-President
Joseph Kerry Howell, M.D., Secretary-Treasurer
Kweli J. Amusa, M.D.
Rita Y. Horton, M.D.
Lester Wayne Johnson, M.D.
Kim S. Sport, JD
James A. Taylor, Jr., M.D.
Terrie R. Thomas, M.D.

Board Member absent as follows:

Daniel K. Winstead, M.D.

The following members of the Board's staff were present:

Vincent A. Culotta, Jr., M.D., Executive Director
Lawrence H. Cresswell, DO, JD, Director of Investigations
Jennifer Stoler, Attorney, General Counsel
James H. Hritz, Compliance Counsel

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Cathy Storm, RN Compliance Officer
Leslie Rye, Compliance Investigator
Lillie Rodgers, Administrative Program Director (Investigations)
Aloma James, Director of Licensure
Kieshan Falls Williams, Administrative Program Specialist
Jacintha Duthu, Administrative Program Specialist
Rita L. Arceneaux, Confidential Executive Assistant

Legal counsel to the Board was present as follows:

Philip O. Bergeron
Michael G. Bagneris (Ret)

Members of the public present as follows:

List attached

1. **Minutes of December 10, 2018 Meeting.** The Board reviewed the minutes of its meeting held December 10, 2018. On the motion of Dr. Clark, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board approved the minutes of the meeting with all necessary corrections.
2. **Status Report on Action Items of Prior Board Meetings; Report on Assignments to Counsel.** The Board noted the action items as assigned to staff and counsel from previous meetings.
3. **Rulings and Advisory Opinions; Podiatry; Surgical Scope of Practice.** The Board reviewed the request received from Amy Schunemeyer, DPM, seeking clarification regarding the surgical scope of practice for podiatrists. Following review and discussion, it was the consensus of the Board to advise Dr. Schunemeyer that podiatric scope of practice is divided into three categories of licensure based on education and training. All categories of podiatry licensure allow for the treatment of the foot. Thus, every Louisiana licensed podiatrist may engage in the prevention, examination, diagnosis, medical, surgical, and adjuvant treatment of the human foot. In addition, the scope of podiatry may also include advanced practice consisting of the treatment of the ankle, muscles, or tendons of the lower leg. The qualifications and scope of practice of podiatrist approved for advance practice are set forth in the Board's rules and available on its website and that §1307G of its rules provides that a podiatrist with advanced training may provide an update for the purpose of pre-operative evaluation.
4. **Rulings and Advisory Opinions; Practice of Telepsychiatry.** The Board reviewed an inquiry received from Samantha Saltz, M.D., licensed in the state of Florida, asking whether she could treat her patient who attends college in Louisiana. Following review and discussion, it was the consensus of the Board to advise Dr. Saltz that she would need a Louisiana telemedicine permit to treat her patient while she attends college in Louisiana.

5. Communication and Information; Quality Insights. The Board reviewed correspondence received from Jan Takewell, RRT, CPHQ, Quality Insights/eQHealth Solutions, asking the Board to collaborate with them in their Quality Innovation Network initiative to work to reduce the impact of opioid overutilization on Medicare patients in Louisiana. Following review and discussion, it was the consensus of the Board to ascertain what information would be required from the Board and how this information would be disseminated in order to make an informed decision on participation.

6. General Administrative Matters; President's Report. The Board received the report of its President on her activities since the last meeting of the Board. Dr. Valentine reported she had attended several meetings regarding Board matters and would give a presentation at the Louisiana Association of Medical Psychologists meeting scheduled for January 26, 2019.

7. General Administrative Matters; Executive Director's Report. The Board received the report of its Executive Director on his activities since the last meeting of the Board. Dr. Culotta reported on the request of the Louisiana Department of Health ("LDH") for more demographic information. He asked the Board if these fields could be set as mandatory in the initial and renewal application process for reporting purposes. It was the consensus of the Board to gather more information on this matter. He further reported on the request for Louisiana to participate in the Interstate Medical Licensure Compact. Following discussion, it was the consensus of the Board to invite Lisa Robin, Chief Advocacy Officer, Federation of State Medical Boards, Inc., to give a presentation on this matter at the February meeting. Dr. Culotta concluded his report with a discussion on security issues, facility improvements and the digital conversion process.

8. General Administrative Matters; Prescription Monitoring Program ("PMP") Advisory Council. The Board received the report of the quarterly meeting of the PMP Advisory Council held October 5, 2018 in Baton Rouge.

9. General Administrative Matters; Medical Marijuana Annual Report. The Board reviewed the minutes of the Medical Marijuana Expert Panel held January 4, 2019 along with a draft copy of the annual report prepared for 2019. Following review and discussion, on the motion of Dr. Howell, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board approved the 2019 Report to the Legislature on Debilitating Conditions for Therapeutic Marijuana in accordance with La. R.S. 40:1046A(5).

10. General Administrative Matters; Medical Marijuana Guidance. Drs. Howell, Thomas, Clark and Valentine, reported working on an advisory statement offering guidance to physicians on the use of medical marijuana. More information would be presented at next month's meeting.

11. General Administrative Matters; Office-Based Surgery; Follow-up. The Board reviewed a copy of proposed amendments to its office-based surgery rules relative to the definition of surgery or surgical procedures. Following review and discussion, it was the consensus of the Board to defer action pending further research into national best practices regarding general anesthesia, regional anesthesia and epidural steroid injections.

12. General Administrative Matters; Draft Newsletter. The Board reviewed a copy of the next issue of the *Newsletter*. Following review and discussion, on the motion of Ms. Sport, duly

seconded by Dr. Howell and passed by unanimous voice vote, the Board approved the *Newsletter* for publication in the usual manner.

13. General Administrative Matters; Financial Matters. The Board made the following decisions related to travel for the 2019 calendar year:

Travel Expenses. On the motion of Dr. Amusa, duly seconded by Dr. Clark, and passed by unanimous voice vote, the Board authorized the Executive Director to approve routine and special travel for Board Members, Board staff, Board consultants, Members of its Advisory Committees, where applicable, and legal counsel for the 2019 calendar year, including but not limited to the following:

- 1) Travel expenses in connection with attendance at all Board meetings and Board Committee meetings.
- 2) Travel expenses in connection with appearances at appropriate private or state entities on behalf of or to represent the Board.
- 3) Travel expenses in connection with investigations conducted by the Board, to include travel expenses of witnesses.
- 4) Travel expenses in connection with any court or deposition appearance for providing testimony on behalf of the Board.
- 5) Travel expenses for attending the annual meetings of the Louisiana State Medical Society and the Louisiana State Medical Association, with payment of per diem for any member giving an annual report to said organizations.
- 6) Travel expenses in connection with meetings of the following national organizations and any committee thereof on which a member of the Board or a member of the Board's staff serves on behalf of the Board, including but not limited to the Federation of State Medical Boards, Administrators in Medicine and National Board of Medical Examiners, and all authorized meetings for educational purposes.
- 7) Travel expenses of its Committee members, where applicable by law, to committee meetings.
- 8) Travel expenses of its Committee members, where applicable by law, for attendance at conventions/seminars approved in advance by the Executive Director.

14. Rules and Regulations.

- a. **Final Rules/Amendments: La. Uniform Prior Authorization Form:** Pursuant to Act 423 of the 2018 Regular Session of the Legislature, the Louisiana State Board of Pharmacy and the Louisiana State Board of Medical Examiners were required to jointly promulgate rules establishing a single prior drug authorization form to be used by all payors of prescription drug claims and any other entity requiring prior authorization of prescription drug claims. At a special call meeting of the Board held on July 23, 2018, a draft of the proposed rules was presented to the Board for consideration and review. Following due

discussion, the Board approved a rule-making effort to provide *Notice of Intent* to adopt the proposed rules in the *Louisiana Register*. The proposed rules appeared in the August 20, 2018 edition of the *Louisiana Register*. A public hearing for both boards to receive comments on the proposed rules was held on September 28, 2018. One commenter appeared and presented comments to supplement written comments provided to the Boards. Another commenter presented written comments prior to the close of the comment period. The Board reviewed the comments along with the hearing transcript at its October 2018 meeting. Following review and discussion at that meeting, the Board voted to adopt the rules in the same form as previously noticed by and upon publication in the *Louisiana Register*. The final rules appeared in the December 2018 edition of the *Louisiana Register*, thereby concluding this rule-making effort.

b. **Rules/Amendments; Noticed for Intent to Adopt:** The Board noted that the rules making process was on hold pending the establishment of procedures for approval by the Occupational Licensing Review Commission. **Acupuncture:** Pursuant to the Board's request, a rulemaking effort commenced to amend the acupuncture rules, to accommodate several changes in the law resulting from Act 93 (HB 421, Rep. Leger) of the 2018 Regular Session of the Legislature. In conformity with Act 93, the proposed changes: (i) update the licensure qualifications for acupuncturists; (ii) remove the requirement that acupuncturists have a relationship with a referral physician, who practices at a physical practice location in this state, for referrals and any follow-up care which may be necessary; and (iii) make associated or necessary changes to the rules. The Acupuncture Advisory Committee ("Committee") reviewed a draft of the rules prepared by staff and Counsel. The Committee offered additional changes with respect to CME for licensure renewal. These changes were incorporated into a revised draft that was presented for review by the Board. Following review at its October 2018 meeting, the Board approved providing *Notice of Intent* to adopt the amendments. The *Notice of Intent* appeared in the December 2018 edition of the *Louisiana Register*. Following publication of the *Notice of Intent*, the Board did not receive a request for a public hearing or any written comments. On the motion of Dr. Clark, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board voted to adopt and promulgate the amendments by and upon publication in the *Louisiana Register*. Pending approval by the Occupational Licensing Review Commission and review by the Legislative Oversight Committee, it is anticipated that the amendments will appear in the April or May edition of the *Louisiana Register*. **Genetic Counselors:** Pursuant to the Board's request, a rulemaking effort commenced to develop rules for Genetic Counselors, to accommodate the new law contained in Act 593 (HB 753, Rep. Stokes) of the 2018 Regular Session of the Legislature, which established this category of health care providers under the Board's jurisdiction. Staff and counsel developed a draft of set rules and forwarded the draft to the Genetic Counselors Advisory Committee for review. The Committee approved the draft and requested additional changes relative to CME renewal. At its October 2018 meeting, the Board approved providing a *Notice of Intent* to adopt the new rules. The *Notice of Intent* appeared in the December 2018 edition of the *Louisiana Register*. Following publication of the *Notice of Intent*, the Board did not receive a timely request for a public hearing but did receive written comments for one commenter. **Physician Assistants:** Pursuant to the Board's request, a rulemaking effort was commenced to accommodate several changes in the law resulting from Act 475 (SB 528, Sen. LaFleur) of the 2018 Regular Session of the Legislature. The advisory committee reviewed a draft set of rules. In conformity with the law, the proposed changes: (i) increase from 4 to 8 the number of PAs for whom a physician may serve as the primary supervising physician; (ii) restate and clarify the physician

assistant qualifications for PA prescriptive authority previously contained in the law; (iii) remove any qualifications for PA prescriptive authority other than those set forth in Act 475; and (iv) make associated or necessary changes to the rules. In addition, because PAs are the only category of providers licensed by the Board whose rules do not contain a penalty for late renewal/reinstatement, the proposed changes include such a penalty. The Committee approved the draft rules. Following review and discussion, at its October 2018 meeting, the Board voted to provide *Notice of Intent* to adopt the amendments. The *Notice of Intent* appeared in the December 2018 edition of the *Louisiana Register*. Following publication of the *Notice of Intent*, the Board did not receive a request for a public hearing or any written comments. On the motion of Dr. Howell, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board voted to adopt and promulgate the amendments by and upon publication in the *Louisiana Register*. Pending approval by the Occupational Licensing Review Commission and review by the Legislative Oversight Committee, it is anticipated that the amendments will appear in the April or May edition of the *Louisiana Register*.

c. **Rules/Amendments Under Development: Physician Compounding Medication:** At its December 2014 and January 2015 meetings, the Board reviewed Emergency Rules adopted by the Louisiana Board of Pharmacy to reflect certain changes in federal law concerning compounded medication. Following review and discussion, the Board elected to undertake a rulemaking effort as to physicians who compound medication in order to insure consistency with federal and state law and regulations. A draft will be presented for initial review and consideration in due course. **Physician Advertising; Board Certification:** At its March 2015 meeting, the Board determined to undertake a rulemaking effort to establish a process for its approval of certifying boards, alternative to the ABMS and AOA, for purposes of physician advertising of *Board Certification*. The Board directed that a draft be prepared and presented for review and approval. In conformity with the Board's direction, a draft was presented for initial review and discussion at the April 2015 meeting. At its May 2015 meeting, the Board approved publication of a *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*. An additional word change was discussed and pre-notice input was received from interested parties. Following review and discussion, the Board elected to defer this effort to allow further consideration and input by other stakeholders. Inasmuch as further input had not been received, it was the consensus of the Board to write to several interested parties to ask for their input by the May meeting of the Board. During the May 2016 meeting, the Board reviewed the additional information submitted by the various stakeholders and entertained brief presentations by interested parties. Following discussion, the Board voted to defer action on this rule-making effort pending further review and voted to designate a Special Committee consisting of individuals recommended by the deans of the state's medical schools and a former Board member, to provide information on the processes involved in the accreditation of physician post-graduate training. During its January 2017 meeting, the Board received the committee's input. Following discussion, the Board requested certain changes to the draft previously appearing on its agenda, along with additional information for its consideration. Following further discussion and consideration at its April 2017 meeting, the Board voted to provide *Notice of Intent* to adopt Draft 2(A). During the March 2018 meeting, the Board determined to defer moving forward to the next step of the rulemaking process until it had an opportunity to further explore and consider all other available options, as well as the outcome of a bill introduced in this session of the Louisiana Legislature that would remove its jurisdiction to act in this matter (See SB 186). **Physicians; Licensure:** Amendments to the physician licensure rules as suggested by staff was presented for initial review and

discussion to update generally for consistency with current standards and make other substantive and technical modifications made necessary by the passage of time and current practices. Following review and discussion at its January 2018 meeting, the Board suggested proceeding slowly with the proposed changes to consider how such changes may affect other Sections of the rules. In the interim, the Board approved moving forward with the suggested amendment to §417B to clarify that a renewal reminder would be mailed to licensees in lieu of an actual application.

Physicians; Complaints and Investigations: – Pursuant to the Board’s request, a rulemaking effort commenced to conform its rules on complaints and investigations to various changes in the law resulting from Act 599 (HB 778, Rep. K. Jackson) of the 2018 Regular Session of the Legislature. A draft was presented for initial review and consideration. Following review and discussion at its October 2018 meeting, it was the consensus of the Board to provide a preview draft to various stakeholders prior to providing *Notice of Intent* to adopt the amendments. Following a report that there had been no negative feedback from the various stakeholders, at its December 2018 meeting, the Board voted to provide *Notice of Intent* following approval by the Occupational Licensing Review Commission.

Therapeutic Marijuana: Pursuant to the Board’s request, a rulemaking effort has been commenced to accommodate several changes in the law resulting from Acts 496 (HB 627, Rep. Lyons) and 708 (HB 579, Rep. James) of the 2018 Regular Session of the Legislature. In conformity with the law, the proposed changes: (i) add various conditions to the definition of a *debilitating medical condition*, for which therapeutic marijuana may be recommended by a physician; and (ii) clarifies two provisions in conformity with the Board’s prior advice (e.g., 7705A.5, 7714A.4). The draft also highlighted several provisions that were the subject of a request for rule making, which the Board denied/deferred pending the conclusion of the 2018 legislative session. During the September 2018 meeting, the Board reviewed the proposed amendments and gave consideration to the items noted in a request for rulemaking. Following discussion and comment from numerous members of the public, the Board voted to adopt a number of proposed amendments including (i) to include post-traumatic stress disorder and chronic/intractable pain as debilitating medical conditions, given their addition to the law by Act 709 of the 2018 Regular Session of the Legislature (7705A) See: definition of *Debilitating Medical Condition*; (ii) eliminate the 100 patient limit (impose no limit) on the number of patients for whom a physician registered with the Board may recommend therapeutic marijuana (7707A.2, 7709B.); (iii) remove the requirement that the physician re-examine the patient at intervals not to exceed 90 days and instead leave the frequency of follow-up examinations to the judgment of the treating physician (7717A.6); adopt other changes made necessary for conformity with the law and consistency with prior Board advice. Given that requirement of the law that defines a recommendation for therapeutic marijuana to be an “order from a physician...authorized by the Board to recommend medical marijuana that is patient-specific and disease-specific”, the Board did not modify the rule requirements relative to form, amount, dosage and instruction for use (7721A.4: 7729D). In addition, the Board suggested additional amendments to the rules for conditions associated with autism spectrum disorder (Act 496 of the 2018 Regular Session) for review. Following review and discussion at its October 2018 meeting, it was the consensus of the Board to defer providing *Notice of Intent* to adopt the amendments until it had further opportunity to consider and explore the amendment to certain new definitions made necessary by Act 496. Upon further consideration and discussion at its December 2018 meeting, the Board voted to (i) revise the definitions for “consult or consultation” and “pediatric subspecialist”; (ii) in response to a request for clarification by the Louisiana Hospital Association, amend the definition of “Bona-Fide

Physician-Patient Relationship” (7705A) to eliminate the unintended consequences of in-person examinations conducted at locations other than a physician’s physical practice location, which are contained in the physician’s registration with the Board; and (iii) provide *Notice of Intent* to adopt all of the proposed amendments following approval from the Occupational Licensing Review Commission. **Physician; Fellowship Training Permit:** Pursuant to the Board’s request, a rulemaking effort has been undertaken to amend its rules to provide for a short-term training permit that would accommodate fellowship training that is not accredited by the ACGME, that is offered by a Louisiana medical school or major teaching hospital with an underlying ACGME accredited residency training program in the same specialty as the fellowship. The Board reviewed a draft of the rules presented for review and discussion. Following review and discussion at its October and December 2018 meetings, it was the consensus of the Board to provide a preview draft to various stakeholders. **Telemedicine:** At its December 2018 meeting, the Board considered a request for clarification of the “in-state” requirement contained in .7505C of its telemedicine rules for consistency with the law and so that, as applied, it would not inadvertently impact physicians from prescribing medication or other health care services to their patients who may be vacationing or temporarily outside of Louisiana to the extent that such are permitted in other jurisdictions. Following review and discussion at its December 2018 meeting, the Board voted to amend .7505C., of the rules by deleting the words “in this state”.

15. General Administrative Matters; New Business; Continuing Medical Education (“CME”); Requirements. On the motion of Dr. Clark, duly seconded by Dr. Amusa, the Board voted to take up an item of new business, CME requirements for physicians age 75 or older. The Board also discussed eliminating CME requirements for retired physicians age 75 or older. Following review and discussion, on the motion of Dr. Clark, duly seconded by Dr. Howell, and passed by unanimous voice vote, the Board voted to table indefinitely the matter of CME requirement for physicians age 75 or older.

16. Public Comments. The President asked if anyone from the public had questions and/or any further comments. Hearing none the public session concluded.

[17.] Minutes of December 10, 2018 Executive Sessions. On the motion of Dr. Clark, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board convened in executive session to review the minutes of its executive sessions conducted during the meeting of December 10, 2018. Following review and discussion, the Board resumed in open session. On the motion of Dr. Taylor, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board approved the minutes of the executive sessions conducted during its meeting of December 10, 2018 with any necessary corrections.

[18.] Personal Appearances/Docket Calendar. On the motion of Dr. Horton, duly seconded by Dr. Thomas, and passed by unanimous voice vote, the Board convened in executive session, to review the calendar of personal appearances and docketed hearings, as matters relating to the character and professional conduct of a licensee and allegations of misconduct, La. Rev. Stat. 42:17 A(1), (4). No further action was required or taken on this matter.

[19.] Investigative Reports. On the motion of Dr. Thomas, duly seconded by Dr. Johnson, and passed by unanimous voice vote, the Board convened in executive session, to consider the investigative reports as a matter relating to the character and professional conduct of a licensee, and allegations of misconduct, La. Rev. Stat. §42:17A(1) and (4). Following review and

discussion the Board resumed in open session. On the motion of Dr. Taylor, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board made the following decisions:

- a. Consent Order: The following Consent Order was accepted:

Scott Michael Andrews, RRT, Docket No., 18-I-218

[20.] Healthcare Professionals' Foundation of Louisiana; Personal Appearance; James David Hammond, M.D., Medical Director. On the motion of Dr. Amusa, duly seconded by Dr. Johnson and passed by unanimous voice vote, the Board convened in executive session to receive the report of James David Hammond, M.D., Medical Director, on the participants in the Physicians' Health Program who were either appearing before the Board or had matters before the Board for review and discussion, as matters relating to the character and professional conduct and allegations of misconduct of a licensee, La .Rev. Stat.§ 42:17A(1) and (4). No further action was required or taken on this matter.

[21.] Investigative Matters; Personal Appearance; Scott Michael Andrews, RRT. On the motion of Ms. Sport, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Scott Michael Andrews, RRT, as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La .Rev. Stat.§ 42:17A(1) and (4). Mr. Andrews, accompanied by his attorney, Robert C. Ainsworth, Esq., appeared before the Board in connection with the acceptance of his Consent Order.

[22.] General Disciplinary Matters; Personal Appearance; Robert Joseph Nicholson, M.D. On the motion of Dr. Taylor, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Robert Joseph Nicholson, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:6.1A(1) and (4). Dr. Nicholson, accompanied by his attorney, Phillip Bohrer, Esq., appeared before the Board in connection with his request for approval of his clinical practice setting. Following his dismissal, the Board resumed in open session. On the motion of Dr. Howell, duly seconded by Dr. Clark and passed by majority voice vote,¹ the Board approved the clinical practice setting set forth by Dr. Nicholson.

[23.] General Disciplinary Matters; Personal Appearance; Benjamin John Palombo, M.D. On the motion of Dr. Amusa, duly seconded by Dr. Johnson and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Benjamin John Palombo, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:6.1A(1) and (4). Dr. Palombo appeared before the Board in connection with his request for reinstatement of his license to a full, unrestricted status. Following his dismissal, the Board resumed in open session. On the motion of Dr. Taylor, duly seconded by Dr. Amusa and passed by majority voice vote, the Board denied the request of Dr. Palombo for reinstatement of his license to a full, unrestricted status, off probation. ² On the motion of Dr. Howell, duly seconded by Dr. Horton, passed by unanimous

¹ Drs. Thomas and Valentine were opposed to this motion.

² Drs. Horton and Valentine were opposed to this motion.

voice vote, the Board voted to remove the lifetime restriction of “prescribing to self and family members” inasmuch as it was unnecessary with the passage of the new rule prohibiting same.

24. General Administrative Matters; Introduction of Licensure Staff. Mrs. Aloma James, Director of Licensure, introduced her licensure staff as follows:

Licensing Analyst Supervisors

Lydia Favorite
Elaine Barberot

Phyllis Johnson

Licensing Analysts

Sarah Babin
Rhonda Edwards
Tandra Foley
Kristina Gilliard
LaShaunda Green

Cook, Matthew
Lynn Hull
Janice Thomas
David Vicknair
Felicia Wright

Administrative Coordinators – Receptionists

Castro, Leslie

Gray, Lacy

[25.] Report on Pending Litigation. On the motion of Dr. Horton, duly seconded by Dr. Johnson, the Board convened in executive session to receive the report of legal counsel on pending litigation to which the Board was a party, and the status of proceedings for judicial review of prior Board decisions, La. Rev. Stat. § 42:17A(2). Following review and discussion, the Board resumed in open session. On the motion of Dr. Clark, duly seconded by Dr. Thomas, and passed by unanimous voice vote, the Board voted to cease the appeal process in the matter of Louisiana State Board of Medical Examiners v. Daryl Purpera, in his Official Capacity as Louisiana Legislative Auditor.

[26.] Act 2018-655 Complaints. On the motion of Ms. Sport, duly seconded by Dr. Thomas, the Board convened in executive session to consider the complaint received as a matter relating to the Board’s actions and procedures in an administrative matter relating to the character and professional conduct of a licensee, and allegations of misconduct, La. Rev. Stat. §42:17A(1) and (4). Following review and discussion, the Board resumed in open session. On the motion of Ms. Sport, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board made the following decision:

76-A-002 – To deny the request for re-hearing inasmuch as the matter took place over 40 years ago, and forward correspondence outlining the current qualifications and process for reinstatement for licensure.

[27.] Investigative Reports. On the motion of Dr. Howell, duly seconded by Dr. Thomas, and passed by unanimous voice vote, the Board convened in executive session, to consider the investigative reports as a matter relating to the character and professional conduct of a licensee, and allegations of misconduct, La. Rev. Stat. §42:17A(1) and (4). Following review and

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discussion the Board resumed in open session. On the motion of Dr. Thomas, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board made the following decisions:

- a. Administrative Complaints: The following Administrative Complaints were accepted and approved for scheduling of a formal hearing and pre-trial conference:

Docket No., 15-I-223
Docket No., 15-I-225
Docket No., 16-I-1082
Docket No., 15-I-227

- b. Formal Investigation: The Board approved commencing a formal investigation in the following matter:

Investigation No., 18-I-982

- c. Formal Investigations: The Board approved an extension of 180 days to commence a formal investigation in the following matters:

Investigation No., 18-839
Investigation No., 18-875
Investigation No., 18-758
Investigation No., 18-988
Investigation No., 18-775
Investigation No., 18-871
Investigation No., 18-872
Investigation No., 18-861
Investigation No., 18-862

Investigation No., 18-870
Investigation No., 18-917
Investigation No., 18-916
Investigation No., 18-893
Investigation No., 18-310
Investigation No., 18-882
Investigation No., 18-967
Investigation No., 18-902

- d. Closed/Dismissed: The following matters were closed/dismissed:

File No., 17-I-181
File No., 18-I-531
File No., 18-I-854³
File No., 18-I-659
File No., 18-I-865
File No., 18-I-787
File No., 17-I-693

- e. Closed/Dismissed: The following matters were closed/dismissed with a Letter of Concern:

File No., 17-I-989
File No., 17-I-787

³ Dr. Horton recused herself from any and all participation in discussion and/or consideration of this matter.

File No., 18-I-673⁴

File No., 18-I-219

File No., 17-I-842

- f. Closed/Dismissed: The following matter submitted for closure was rejected.

File No., 17-I-280

- g. Closed Complaints Cases: The Board reviewed the Closed Complaint Cases Report for the month of December 2018.

[28.] Professional Liability Report. On the motion of Dr. Horton, duly seconded by Dr. Johnson and passed by unanimous voice vote, the Board convened in executive session to consider the report on professional liability cases reviewed since the last meeting of the Board as matters relating to the character and professional conduct of a licensee and allegations of misconduct, La. Rev. Stat. § 42:17A(1) and (4). No further action was required or taken on these matters.

[29.] General Disciplinary Matters. On the motion of Dr. Amusa, duly seconded by Dr. Taylor, the Board convened in executive session to consider the request relating to the execution or modification of a Decision and/or Consent Order as matters relating to the character and professional conduct of licensees, pursuant to La. Rev. Stat. §42:17A(1) and (4). Following review and discussion, the Board resumed in open session and upon the motion of Dr. Amusa, duly seconded by Dr. Johnson and passed by unanimous voice vote, made the following decisions:

a. Greer, James Joshua M.D. – To approve the request of James Joshua Greer, M.D., for reinstatement of his license to a full, unrestricted status, off probation in accordance with the terms of his Consent Order dated February 19, 2018.

b. Williams, Calvin Edward, M.D.⁵ – To deny the request of Calvin Edward Williams, M.D., for modification of the terms of his Consent Order dated December 27, 2016.

c. Allied Health Monitoring Report – To note receipt of the Allied Health Monitoring Report submitted for the 4th quarter of 2018.

[30.] Licensure and Certification; Physicians and Surgeons; U.S./Canadian Medical Graduates. On the motion of Dr. Amusa, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session and on the motion of Dr. Howell, duly seconded by Dr. Clark and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met:

Brady, Teddy Hugh

Cohen, Stephen Mark

⁴ Dr. Taylor recused himself from any and all participation in discussion and/or consideration of this matter.

⁵ Drs. Valentine and Howell recused themselves from any and all participation in discussion and/or consideration of this matter.

[31.] Licensure and Certification; Physicians and Surgeons; Foreign/International Medical Graduates. On the motion of Dr. Clark, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine application for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session and on the motion of Dr. Clark, duly seconded by Ms. Sport and passed by unanimous voice vote, made the following decisions:

- a. Alekseeva, Nadejda, M.D.⁶ – To approve the request of Nadejda Alekseeva, M.D., for a waiver of an examination attempt due to extenuating circumstances.
- b. Frantz, Saint Vil, M.D. – To deny the request of Saint Vil Frantz, M.D., for a waiver of the training requirements in an ACGME program.
- c. Duplessie, Michael, M.D. – To approve the waiver of the licensure qualifications for Michael Duplessie, M.D., in accordance with §315 of the Board's rules inasmuch as he had been appointed as assistant professor on the tenure tract at Tulane University School of Medicine.

32. Licensure and Certification; Other Licensure Matters; Short-Term Residency Training. The Board reviewed the request for approval of a short-term residency program in Primary Care Endoscopy received from Michael B. Harper, M.D., Chair of the Family Practice Program, LSU Health Shreveport. Following review and discussion, on the motion of Dr. Howell, duly seconded by Dr. Clark, and passed by unanimous voice vote, the Board approved the short-term residency program.⁷

[33.] Licensure and Certification; Respiratory Therapists. On the motion of Dr. Horton, duly seconded by Dr. Thomas, and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session and on the motion of Dr. Thomas, duly seconded by Dr. Horton and passed by unanimous voice vote, in accordance with the recommendation of the Advisory Committee on Respiratory Therapy, approved the following for licensure provided all other requirements had been met:

Shows, Tammy Rae

Thompson, Brandy Alishia

[34.] General Administrative Matters; New Business; Personnel Matters. On the motion of Dr. Amusa, duly seconded by Dr. Clark, and passed by unanimous voice vote, the Board convened in executive session to take up an item of new business, a personnel matter, pursuant to La.Rev.Stat. 42:17A(3). No further was required or taken on this matter.

35. Next Meeting of the Board. The President reminded the members that the next meeting of the Board was scheduled for February 11, 12, 2019.

⁶ Dr. Horton recused herself from any and all participation in discussion and/or consideration of this matter.

⁷ Dr. Horton recused herself from any and all participation in discussion and/or consideration of this matter,

MINUTES OF MEETING
JANUARY 14, 2019

I HEREBY CERTIFY that the foregoing is a full, true and correct account of the proceedings of the meeting of the Louisiana State Board of Medical Examiners, save for executive session of the Board conducted therein, held on January 14, 2019 and approved by the Board on the 11th day of February, 2019.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 11th day of February 2019.

Joseph Kerry Howell, M.D.
Secretary-Treasurer

Attest:

Christy Lynn Valentine, M.D.
President